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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>In Re Patent Application:</b>	:	<b>Group Art Unit:</b> 2814
Liu et al.	:	
<b>Serial Number:</b> 10/803,448	:	<b>Examiner:</b> L. Pham
	:	
<b>Filed:</b> March 18, 2004	:	<b>Attorney Docket No.:</b> 2003-0013/N1085-00170
	:	
<b>Title:</b> Flash Memory Cell And Methods For Fabricating Same	:	<b>Date:</b> June 15, 2005
	:	
	:	
	:	
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**ELECTION**

Sir:

This communication is responsive to the Office Action mailed on May 18, 2005, in the above-captioned application, wherein claims 1-29 stand subject to a restriction or election requirement under 35 U.S.C. 121. In support of the requirement, the Examiner states that the application contains two (2) inventions:

Invention I: claims 18-29, drawn to a method, classified in class  
438, subclass 275; and

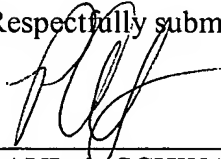
Invention II: claims 1-17, drawn to a device, classified in class  
257, subclass 315.

The Examiner contends that the inventions are distinct, each from the other, because “[i]n the instance case, the product as claimed can be made by another and materially different process such as one in which the trench is filled with material such that the etching step is not needed.”

The Applicant elects, without traverse, invention I, claims 18-29, drawn to the method, for prosecution on the merits.

No fees are due with this communication. The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR 1.16 and any patent application processing fees under 37 CFR 1.17, which are associated with this communication, or credit any overpayment to Deposit Account No. 50-2061.

Respectfully submitted,



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Applicant(s): Liu et al.

Docket No.

2003-0013/N1085-00170

Application No.

10/803,448

Filing Date

3/18/2004

Examiner

L. Pham

Customer No.

08933

Group Art Unit

2814

Invention: FLASH MEMORY CELL AND METHODS FOR FABRICATING SAME



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